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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,516	02/24/2004	George R. Borden IV	7146.0197	2749
55648 7590 03/23/2007 KEVIN L. RUSSELL CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP 1600 ODSOWER 601 SW SECOND AVENUE PORTLAND, OR 97204			EXAMINER HEFFINGTON, JOHN M	
			ART UNIT	PAPER NUMBER
			2109	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/786,516	<b>Applicant(s)</b> BORDEN, GEORGE R.	
	<b>Examiner</b> John M. Heffington	<b>Art Unit</b> 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>28 October 2004</u> , <u>05 April 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to the original filing of February 24, 2004. Claims 1-7 are pending and have been considered below.

#### ***Oath/Declaration***

1. The priority data of the cited priority application number 60/535120 is stated as January 4, 2004. The actual priority data of January 6, 2004.

#### ***Specification***

2. The specification is objected to because the pages of the specification are not numbered in accordance with paragraph MPEP 608.01.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1,5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1,5: The following features of claims 1 and 5 conflict:

- a. Simultaneously presenting a plurality of different frames associated with a respective video on a display,

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- b. Presenting a plurality of frames of one of said respective video on said display in response to selecting a respective one of said different frames.

Both features a. and b. claim presenting a plurality of different frames for a respective video with feature b. claiming to present a plurality of frames for a respective video when a frame is selected. Since there are two features claiming to present a plurality of frames for respective videos, it is ambiguous which "plurality of frames" in claims 1 and 5 is being referenced in claims 2 and 6. Therefore, the Examiner will interpret feature a. of claims 1 and 5 to read as follows: Simultaneously presenting a plurality of different frames, each frame associated with a respective video of a plurality of videos.

With this modification to feature a. of claims 1 and 5, claims 2 and 6, then, become a recitation of feature a. of claims 1 and 5.

### ***Claim Objections***

5. Claims 2 and 6 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. With the modification to claims 1 and 5 above for the purposes of clarification, claims 2 and 6, then, restate feature a. of claims 1 and 5. Therefore, claims 2 and 6 fail to further limit their parent claims.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by van Beck et al. (US 2003/0038796 A1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Claim 1: van Beck discloses a graphical user interface (GUI) comprising:

- a. Simultaneously presenting a plurality of different frames, each frame associated with a respective video of a plurality of videos (paragraphs 0004 and 0023) [DVD movies normally provide “scene selections” or “chapter selections” that have a visual array of thumbnails and textual titles associated with each scene.; and,

The description scheme structure within MPEG-7 permits a hierarchical nesting structure for segment descriptions of the video and descriptions for groups of segments of the video] When combined, the “visual array of thumbnails” and the “hierarchical nesting” of video segments, represent a plurality of different frames, thumbnails, for each of a plurality of videos.

- b. Presenting a plurality of frames of one of said respective video on said display in response to selecting a respective one of said different frames (paragraph 0004) [DVD movies normally provide “scene selections” or “chapter selections” that have a visual array of thumbnails and textual titles associated with each scene.]
- c. Presenting title information, length information, quality information, and source information regarding said plurality of frames (paragraph 0004 [textual titles], paragraph 0030 [duration], paragraph [frame rate], paragraph 0028 [different ... sources])

Claim 2: van Beck discloses a GUI as in claim 1 above wherein a plurality of said plurality of frames is presented on said display associated with a plurality of videos (paragraphs 0004 and 0023) [DVD movies normally provide “scene selections” or “chapter selections” that have a visual array of thumbnails and textual titles associated with each scene.; and, The description scheme structure within MPEG-7 permits a hierarchical nesting structure for segment descriptions of the video and descriptions for groups of segments of the video] When combined, the “visual array of thumbnails” and

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the "hierarchical nesting" of video segments, represent a plurality of different frames, thumbnails, for each of a plurality of videos, "video segments".

Claim 3: van Beck GUI a system as in claim 1 above wherein said plurality of different frames is presented in a two dimensional array (paragraph 0002) [DVD movies normally provide "scene selections" or "chapter selections" that have a visual array of thumbnails and textual titles associated with each scene.]

Claim 4: van Beck discloses a GUI as in claim 1 above wherein the creation of said plurality of frames of each of said perspective videos is based upon, at least in part, the other said plurality of frames (paragraph 0028) [... the present inventors determined that facilitating the grouping of segments from a plurality of different programs to be viewed within a single presentation defined by a single description scheme is beneficial and not previously possible.]

Claim 5: van Beck discloses a graphical user interface (GUI) comprising:

- a. Simultaneously presenting a plurality of different frames, each frame associated with a respective video of a plurality of videos (paragraphs 0004 and 0023) [DVD movies normally provide "scene selections" or "chapter selections" that have a visual array of thumbnails and textual titles associated with each scene.; and, The description scheme structure within MPEG-7 permits a hierarchical nesting structure for segment descriptions of the video and descriptions for groups of

segments of the video] When combined, the “visual array of thumbnails” and the “hierarchical nesting” of video segments, represent a plurality of different frames, thumbnails, for each of a plurality of videos.

- b. Presenting a plurality of frames of one of said respective video on said display in response to selecting a respective one of said different frames (paragraph 0004) [DVD movies normally provide “scene selections” or “chapter selections” that have a visual array of thumbnails and textual titles associated with each scene.]
- c. Wherein the creation of said plurality of frames of each of said perspective videos is based upon, at least in part, the other said plurality of frames (paragraph 0028) [... the present inventors determined that facilitating the grouping of segments from a plurality of different programs to be viewed within a single presentation defined by a single description scheme is beneficial and not previously possible.]

Claim 6: van Beck discloses a GUI as in claim 5 above wherein a plurality of said plurality of frames is presented on said display associated with a plurality of videos (paragraphs 0004 and 0023) [DVD movies normally provide “scene selections” or “chapter selections” that have a visual array of thumbnails and textual titles associated with each scene.; and, The description scheme structure within MPEG-7 permits a hierarchical nesting structure for segment descriptions of the video and descriptions for groups of segments of the video] When combined, the “visual array of thumbnails” and the “hierarchical nesting” of video segments, represent a plurality of different frames, thumbnails, for each of a plurality of videos, “video segments”.



Claim 7: van Beck GUI a system as in claim 5 above wherein said plurality of different frames is presented in a two dimensional array (paragraph 0002) [DVD movies normally provide "scene selections" or "chapter selections" that have a visual array of thumbnails and textual titles associated with each scene.]

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri (Alternate Fridays off) 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH  
3/13/2007



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